

REMARKS

Claims 1 -36, 43 – 45, 55 – 57 and 61 – 114 are now pending. New claims 61 – 114 further limit the present invention by either narrowing the range of polymer, releasing agent and/or hydrophilic agent. The narrowed range are fully supported by the originally filed specification.

In response to the Examiner's suggestions, Applicant has now filed amended claims that fully comply with 37 CFR 1.173(b).

In response to the Examiner's rejection based upon a defective reissue declaration under 35 USC 251, Patentee has enclosed a "Supplemental Declaration By Inventor" that includes the Examiner's recommended language in the Declaration and specifically recites that the Declaration is being submitted to respond to the Amendments being made in this paper.

In response to the Examiner's requirement that all references cited during the prosecution of the parent must be expressly cited in the reissue application, Applicant has now filed an IDS by completing PTO Form 892 to include all of these cited references.

In addition, in response to the Examiner's earlier suggestion, Applicant cancelled claims 37-42, 46-54 and 58-60 and amended claims 43 – 45 and 55 – 57 in independent form to include all of these limitations. Based on these amendments, the Examiner has stated that claims 43-45 and 55-57 would be allowable rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, the Examiner has also previously stated that claims 1-36 are allowed. It is understood that Applicant does not agree with the Examiner's rejection of claims 37-42, 46-54 and 58-60. However, in order to expedite prosecution, Applicant has cancelled these claims.

The amendment to the "5% by weight of the composition" for the "hydrophilic agent" is fully supported by the original specification. For example, page 3, line 3 of the original filed specification discloses that the present application is a CIP of 08/812,315 application and that application at page 21, lines 12-20 discloses embodiments of the invention where the amount of hydrophilic agent [e.g. polyglycol] may range from about "5-20 wt. % of polyglycol" based on the total wt. of the composition. The amendment of the weight % of the polymer and the releasing agent is also fully supported by the original filed specification (see e.g. Examples).

Therefore, it is respectfully submitted that the invention recited by pending claims is patentable. Accordingly, it is respectfully submitted that the above-identified application is now in condition for allowance.

Favorable reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted,
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